



**Delaware Thoroughbred Racing Commission
Minutes of Regular Meeting & Public Hearing Held
November 3, 2008**

The Delaware Thoroughbred Racing Commission held a regular meeting on November 3rd at 10:00 AM in the second floor conference room of the Horsemen's Office at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Secretary/Commissioner
Henry J. Decker, Commissioner
Debbie Killeen, Commissioner
Edward J. Stegemeier, Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Barbara J. Gadbois, Esq., Deputy Attorney General, Stewards' Counsel
Alan Foreman, Esquire
Bessie Gruwell, DTHA, Executive Director
Brent Caldwell, Esquire, Attorney for Mr. Jones & Mr. Squires
Francis J. Swift, Jr., DTRC, Inspector
J. Larry Jones, Trainer, Appellant
Jack Houghton, Jr., DTRC, Chief State Steward
James Squires, Owner, Appellant
Joe Rudisill, Delaware Park, Sr. VP of Compliance
John E. Mooney, Delaware Park, Executive Director of Racing
John T. Peters, D.V.M., DTRC, Supervising Commission Veterinarian
Joseph J. Strug, Dalare Associates, Laboratory Director
Kathleen Picciano, D.V.M., DTRC, Commission Veterinarian
Lucinda Reeder, Wilcox & Fetzer, transcriptionist
Malcolm Cochran, Esquire, Attorney for Mr. Jones & Mr. Squires
Scott Peck, DTHA, President
Shelley Perkins, DTRC, Paralegal I, recording minutes

1. **WELCOME & CALL TO ORDER**

At 10:08 AM Chairman Daney called the meeting to order and welcomed those in attendance.

2. **APPROVAL OF MINUTES**

Upon a motion duly made (Patterson) and seconded (Stegemeier) minutes of October 21, 2008 were approved as submitted.

3. **OLD BUSINESS**

A. **Mr. Howard Wolfendale and Mr. Raymond Makarovich, Jr.**

Discussion held reference to Mr. Jeremy Rose's appeal hearing before the Commission in July 2008.

Stewards' Counsel, Ms. Barbara Gadbois, had not excused the appearance of Mr. Wolfendale nor Mr. Makarovich. Mr. Wolfendale appeared and testified and was admonished by Commission. Mr. Foreman, Esq., could have resolved the matter by writing a letter specific to the subpoena. Chairman Daney stated "when we, the Delaware Thoroughbred Racing Commission, issue a subpoena, we expect the subpoena to be respected and abided." Commission Counsel, Mr. Andrew Kerber, stated to Mr. Makarovich and Mr. Wolfendale that a subpoena is an order and expects a response. Mr. Kerber continued that when the commission who licenses you issues a subpoena order, you will reply. Commissioner Decker asked Mr. Foreman if a subpoena was a legal order; to which Mr. Foreman replied, yes. Commissioner Decker stated to Mr. Makarovich and to Mr. Wolfendale that a subpoena is a legal requirement that requires you to respond; Ms. Gadbois had asked for medical records that were vital to the matter – those should have been produced.

Mr. Wolfendale stated the horse, "Appeal to the City," had raced 3 times since the whipping incident and now is down for throat surgery.

4. **REPORT FROM SUPERVISING COMMISSION VETERINARIAN**

A. **2008 Breakdown/Injury Statistics**

Report presented by Dr. Peters as prepared by Dr. Picciano.

5. **APPEAL HEARING**

A. **DTRC Appeal Number: ASR 122-2008 A & B**

- Mr. J. Larry Jones, Trainer – Ruling # 122-2008
- Mr. James Squires, Owner – Ruling # 122-2008

At 10:23 AM, Commission Counsel Kerber entered into session and public hearing on appeal number 122-2008 A & B. Testimony recorded by Wilcox & Fetzer.

At 3:22 PM, upon a motion duly made (Decker) and seconded (Patterson) the Commission moved to uphold the Stewarts' Ruling.

6. NEW BUSINESS

A. Delaware Racing Association – Request for 363 days simulcasting

Upon a motion duly made (Decker) and seconded (Stegemeier) the Commission moved and approved 363 days simulcasting for 2009.

B. Delaware Racing Association – 2009 Capital Budget

Upon a motion duly made (Decker) and seconded (Patterson) the Commission moved to discuss at its next meeting.

C. Delaware Jockeys Health & Welfare Benefit Board – Board Members

Upon a motion duly made (Stegemeier) and seconded (Decker) the Commission moved to accept Mr. Rudisill's resignation and named Delaware Park Executive Director of Racing, Mr. John E. Mooney, in his place. The Commission recognized Mr. Rudisill's service and thanked him accordingly.

7. REPORT FROM EXECUTIVE DIRECTOR

A. Summary of Activities Report

Executive Director, Mr. John F. Wayne, reported on the period October 1 – 31, 2008.

B. Pathology Report from Dr. Lawrence Soma, New Bolton Center.

C. Dedication of Equicizer to Delaware Park Jockey Colony.

8. REPORT FROM DELAWARE THOROUGHBRED HORSEMEN'S ASSOCIATION

A. Delaware Certified Thoroughbred Program Report

Presented by DTHA Executive Director, Ms. Bessie Gruwell.

9. EXECUTIVE SESSION

Upon a motion duly made and seconded the Commission was moved into executive session to discuss personnel issues.

10. ADJOURN

At 3:53 PM upon a motion duly made (Patterson) and seconded (Decker) the Commission was adjourned.



**Delaware Thoroughbred Racing Commission
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November 3, 2008**

The Delaware Thoroughbred Racing Commission held a regular meeting on June 19, 2007 at 10:00 AM in the second floor conference room of the Horsemen's Office at Delaware Park, 777 Delaware Park Boulevard, Wilmington, Delaware 19804.

The following commission members were present:

Bernard J. Daney, Chairman
W. Duncan Patterson, Jr., Secretary/Commissioner
Debbie Killeen, Commissioner
Edward Stegemeier, Commissioner
H. James Decker, Commissioner

The following individuals also were present:

John F. Wayne, DTRC, Executive Director
Andrew Kerber, Esq., Deputy Attorney General, Commission Counsel
Shelley Perkins, DTRC, Paralegal I, recording minutes

9. EXECUTIVE SESSION

Upon a motion duly made and seconded the Commission was moved into executive session to discuss personnel issues.

- A. DTRC January 2009 Meeting Date – January 6, 2009, 11:00 AM, Dover location.
- B. Association of Racing Commissioners conference in Lexington, Kentucky April 19 – 24, 2009.
- C. Dr. Picciano attending the AAEP conference at San Diego in December, 2008.
- D. Executive Director Wayne and DTRC Inspector, Mr. Francis J. Swift, Jr., possibly attending the ORI conference in Houston, Texas during March, 2009.

At 3:52 PM, upon a motion duly made (Decker) and seconded (Killen) the Commission was moved out of executive session.